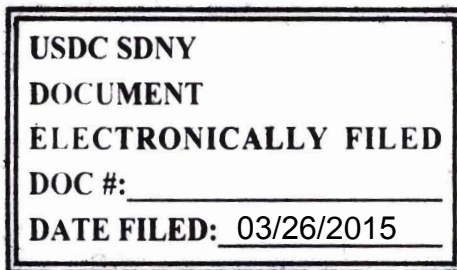


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA *ex rel.*  
SCHIANO,

Plaintiff,

-v-

WELLS FARGO & COMPANY, et al.,

Defendants.

14-CV-7663 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

The Court signed the attached Order (Exhibit B) in this sealed *qui tam* case on February 23, 2015, upon receipt of the United States' Notice of Election to Decline Intervention (Exhibit A). By the terms of that Order, this case — and certain documents filed in it — were to become unsealed thirty days from its entry. Accordingly, and incorporating the terms of the Court's previous Order, it is hereby ORDERED that:

1. All previously filed documents in the Court's file in this action shall remain under seal and not be made public, except for plaintiff-relator's *qui tam* complaint (Envelope 1), this Order, and the United States' Notice of Election to Decline Intervention.
2. The seal shall be lifted as to all other matters occurring in this action subsequent to February 23, 2015 (the date of the Court's prior Order).
3. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda and materials, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts. The United States is entitled to intervene in this action, for good cause, at any time.
4. All orders of this Court shall be sent to the United States by the plaintiff-relator. Should the plaintiff-relator or defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

SO ORDERED.

Date: March 25, 2015  
New York, New York

  
JESSE M. FURMAN  
United States District Judge

# **EXHIBIT A**

PREET BHARARA  
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Southern District of New York  
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Pierre.Armand@usdoj.gov

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- x  
UNITED STATES OF AMERICA *ex rel.*  
SCHIANO,

Plaintiff,

v.

**FILED UNDER SEAL**

14 Civ. 7663 (JMF)

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., WELLS FARGO HOME  
MORTGAGE, OCWEN FINANCIAL  
CORPORATION, OCWEN LOAN SERVICING,  
LLC, and OCWEN MORTGAGE SERVICING,  
INC.,

Defendants.

----- x

**NOTICE OF ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States hereby notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore,

the United States requests that, should the relator or defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings and briefs filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the United States' counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claims under 31 U.S.C. § 3730(e)(4).

The United States also requests that it be served with all notices of appeal.

Dated: New York, New York  
February 20, 2015

Respectfully submitted,

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for United States of America

By: /s/ Carina H. Schoenberger  
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# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- x  
UNITED STATES OF AMERICA *ex rel.*  
SCHIANO,

Plaintiff,

v.

**UNDER SEAL**

14 Civ. 7663 (JMF)

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., WELLS FARGO HOME  
MORTGAGE, OCWEN FINANCIAL  
CORPORATION, OCWEN LOAN SERVICING,  
LLC, and OCWEN MORTGAGE SERVICING,  
INC.,

Defendants.  
----- x

**ORDER**

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B),

**IT IS HEREBY ORDERED THAT:**

1. The complaint shall be unsealed thirty days after entry of this order, and service upon defendants by the plaintiff-relator is authorized. If the plaintiff-relator voluntarily dismisses the complaint pursuant to Rule 41 (a)(1) within this 30-day period, plaintiff-relator may seek to modify this order with the United States' consent or by motion on notice to the United States.

2. The United States' Notice of Election to Decline Intervention shall be served by the plaintiff-relator upon defendants only after service of the complaint.

3. All previously filed documents in the Court's file in this action shall remain under seal and not be made public, except for, thirty days after entry of this order, plaintiff-relator's *qui tam* complaint, this Order, and the United States' Notice of Election to Decline Intervention.

4. Thirty days after entry of this order, the seal shall be lifted as to all other matters occurring in this action subsequent to the date of this Order.

5. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda and materials, upon the United States, as provided for in 31 U.S.C.

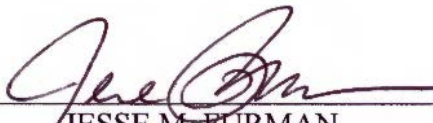
§ 3730(c)(3). The United States may order any deposition transcripts. The United States is entitled to intervene in this action, for good cause, at any time.

6. All orders of this Court shall be sent to the United States by the plaintiff-relator. Should the plaintiff-relator or defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

Dated: New York, New York

February 23, 2015

SO ORDERED:

  
\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge